

and withdrawal respectfully requested. The following is a comparison between the instant invention as claimed and the cited prior art.

The distinguishing feature of claim 1 is that the cushion material of frame-like form is mounted inside the fitting portion between the case body and the LCD cover. The cushion material surrounds the outside edge of the LCD element and holds the LCD element by fitting the LCD element into the cushion material. The cushion material has an outer surface opposing the fitting portion. The LCD cover is integrated with the case body by fitting the LCD element into the cushion material and the cushion material is constituted such that the fitting portion between the case body and the LCD cover is pressed by the fact that the LCD element is fitted into the cushion material and presses the cushion material against the fitting portion, thereby strengthening the fitting of the fitting portion between the case body and the LCD cover.

The Examiner asserts that Sasuga discloses a liquid crystal display (MDL) with two substrates (SUB 1 and SUB 2), liquid crystal material (LC), a lower case body (LCA) a LCD cover (SHD), and liquid crystal panel (PNL). The LCD cover is fitted with the case body (see Fig. 23). Sasuga further discloses that the display panel is equipped with thin rubber spacers, each having an elongated rectangular shape, on the upper and lower sides of the display panel. The upper side rubber spacer is sandwiched between the display panel (PNL) and the shield casing (SHD). The lower side rubber spacer is sandwiched between the display panel (PNL) and a middle frame (MFR). Although, the rubber spacer is not illustrated in the Figures, the Examiner concludes that because the upper shield casing (SHD) is attached to the lower casing (LCA) by pushing against the rubber spacers, the Sasuga device reads on the instant claims (column 18, lines 49-67).

This rejection is traversed because Sasuga does not disclose that the liquid crystal display panel is fitted into the cushion material, nor is the cushion material constituted such that the fitting portion between the case body and the LCD cover is pressed by the fact that the liquid crystal display element is fitted into the cushion material and presses the cushion material against the fitting portion, as required by claim 1.

Sasuga does not illustrate how the rubber spacers are positioned in relation to the LCD panel. Based on Applicant's understanding of the Sasuga disclosure, a reference drawing of a sectional view of the peripheral portion of the Sasuga device of FIG. 23 is attached to this response. As shown in the reference drawing, the shield casing (SHD) has an opening window (LCW) for displaying in a display region and an outer frame (OFS). The lower casing (LCA) has an outer frame (OFL) covered or fitted by the outer frame (OFS) of the shield casing (SHD). The display panel (PNL) is disposed between the shield casing (SHD) and the middle frame (MFR). The upper side rubber spacer (RSU) is fitted on the upper peripheral edge of the display panel (PNL) and the lower side rubber spacer (RSB) is fitted on the lower peripheral edge of the display panel (PNL). The peripheral edge of the display panel (PNL) is positioned nearer to the outer edge of the window (LCW) of the shield casing than the outer frame (OFL) of the lower casing (LCA). As illustrated, there is a substantial distance between the rubber spacers and the outer frame (OFL) of the lower casing (LCA). Thus, the rubber spacers (RSU) (RSB) do not press against the fitting portion between the outer frame (OFL) of the lower case body and the outer frame (OFS) of the LCD cover.

The factual determination of lack of novelty under 35 U.S.C. § 102 requires the disclosure in a single reference of each element of a claimed invention. *Helifix Ltd. v.*

Blok-Lok Ltd., 208 F.3d 1339, 54 USPQ2d 1299 (Fed. Cir. 2000); *Electro Medical Systems S.A. v. Cooper Life Sciences, Inc.*, 34 F.3d 1048, 32 USPQ2d 1017 (Fed. Cir. 1994); *Hoover Group, Inc. v. Custom Metalcraft, Inc.*, 66 F.3d 399, 36 USPQ2d 1101 (Fed. Cir. 1995); *Minnesota Mining & Manufacturing Co. v. Johnson & Johnson Orthopaedics, Inc.*, 976 F.2d 1559, 24 USPQ2d 1321 (Fed. Cir. 1992); *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051 (Fed. Cir. 1987).

Because the display panel of Sasuga is apparently not fitted into the rubber spacers, and the rubber spacers do not press against the fitting portion between the outer frame of the case body and the LCD cover, as required by claim 1, Sasuga does not anticipate claim 1.

Applicant further submits that claims 1 and 2 are not obvious in view of Sasuga, as Sasuga does not suggest that the display panel is fitted into the rubber spacers, and that the rubber spacers press against the fitting portion between the outer frame of the case body and the LCD cover.

Allowable Subject Matter

Claims 3-10 are allowed. Applicant gratefully acknowledges the indication of allowable subject matter.

In light of the Amendments and Remarks above, this application should be allowed and the case passed to issue. If there are any questions regarding this application, a telephone call to the undersigned would be appreciated to expedite the prosecution of the application.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this

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paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

MCDERMOTT, WILL & EMERY

A handwritten signature in black ink, appearing to read "Bernard P. Codd". The signature is written in a cursive, flowing style.

Bernard P. Codd

Registration No. 46,429

600 13th Street, N.W.
Washington, DC 20005-3096
(202) 756-8000 BPC:MWE
Facsimile: (202) 756-8087
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